

**SUPREME COURT MINUTES  
THURSDAY, AUGUST 30, 2012  
SAN FRANCISCO, CALIFORNIA**

**S124660****RENO ON H.C.**

Opinion filed: Order to show cause discharged; habeas corpus denied

For the reasons explained (in the opinion), we conclude the petition for a writ of habeas corpus, filed in this court on May 10, 2004, exemplifies abusive writ practices that cause us to deny the petition in its entirety without reaching the merits of any claim, save the 16 claims mentioned in footnote 17, *ante*, which are denied on the merits. (*In re Clark, supra*, 5 Cal.4th at p. 799.) In addition, counsel in both this and other cases are forewarned that the filing of abusive petitions in the future may subject them to financial sanctions under rule 8.276 of the California Rules of Court. Following finality of this opinion, exhaustion petitions in capital cases will be subject to the page (or word) limits and other rules described herein.

The order to show cause is discharged, and the petition for a writ of habeas corpus is denied. The following claims only are denied on the merits: claim Nos. 123, 125, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139 and 143. (See fn. 17, *ante*.)

Majority Opinion by Werdegarr, J.

-- joined by Cantil-Sakauye, C. J., Kennard, Baxter, Chin, Corrigan, and Liu, JJ.

**S185303**

B224400 Second Appellate District, Div. 5

**COLEY (WILLIE CLIFFORD)  
ON H.C.**

Opinion filed: Judgment affirmed in full

The Court of Appeal judgment, denying the petition for habeas corpus, is affirmed.

Majority Opinion by Cantil-Sakauye, C. J.

-- joined by Kennard, Baxter, Chin, and Corrigan, JJ.

Concurring Opinion by Werdegarr, J.

Concurring Opinion by Liu, J.

**S087569****PEOPLE v. SANCHEZ (JUAN)**

Extension of time granted

Good cause appearing, Senior Deputy State Public Defender John Fresquez's request for an extension of time in which to file the appellant's opening brief is granted to November 5, 2012.

The court anticipates that after that date, only five further extensions totaling about 300 additional days will be granted. Counsel is ordered to inform his or her supervising attorney, if any, of this schedule, and to take all steps necessary to meet it.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S107900****PEOPLE v. WRIGHT, JR.,  
(WILLIAM LEE)**

Extension of time granted

Good cause appearing, and based upon Deputy State Public Defender Alison Bernstein's representation that she anticipates filing the appellant's opening brief by February 2013, counsel's request for an extension of time in which to file that brief is granted to November 5, 2012. After that date, only two further extensions totaling about 100 additional days will be granted.

An application to file an overlength brief must be served and filed no later than 60 days before the anticipated filing date. (See Cal. Rules of Court, rule 8.631(d)(1)(A)(ii) & (B)(ii).)

**S132253****PEOPLE v. HELZER (JUSTIN  
ALAN)**

Extension of time granted

On application of appellant and good cause appearing, it is ordered that the time to serve and file appellant's opening brief is extended to October 26, 2012.

**S154541****LANCASTER (ANDREW) ON  
H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Miro F. Cizin's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by May 2013, counsel's request for an extension of time in which to file that document is granted to November 5, 2012. After that date, only three further extensions totaling about 180 additional days are contemplated.

**S167100****ZAMUDIO JIMENEZ  
(SAMUEL) ON H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Sara Cohbra's representation that she anticipates filing the reply to the informal response to the petition for writ of habeas corpus by November 1, 2012, counsel's request for an extension of time in which to file that document is granted to October 26, 2012. After that date, only one further extension totaling about six additional days will be granted.

**S197391****DOOLIN (KEITH ZON) ON  
H.C.**

Extension of time granted

Good cause appearing, and based upon counsel Michael R. Levine's representation that he anticipates filing the reply to the informal response to the petition for writ of habeas corpus by October 29, 2012, counsel's request for an extension of time in which to file that document is granted to October 29, 2012. After that date, no further extension is contemplated.

**S162323****KERLAN, JR., ON  
DISCIPLINE**

Probation revoked

The court orders that the probation of MILTON KERLAN, JR., State Bar Number 39719, is revoked. The court further orders that:

1. MILTON KERLAN, JR., is suspended from the practice of law for a minimum of three years, and he will remain suspended until the following requirement is satisfied:
  - i. He must provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)
2. MILTON KERLAN, JR., is given credit toward the three years' suspension for the period of involuntary inactive enrollment which commenced on June 9, 2012.

MILTON KERLAN, JR., must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S196641****NGUYEN ON DISCIPLINE**

Probation revoked

The court orders that the probation of KIM TRONG NGUYEN, State Bar Number 162783, is revoked. The court further orders that:

1. KIM TRONG NGUYEN is suspended from the practice of law for a minimum of three years, and he will remain suspended until the following requirements are satisfied:
  - i. He makes restitution to Brian Nicholson in the amount of \$2,700 plus 10 percent interest per year from January 13, 2011 (or reimburses the Client Security Fund, to the extent of any payment from the fund to Brian Nicholson, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles;
  - ii. He makes restitution to Hugo Villatoro in the amount of \$7,750 plus 10 percent interest

per year from October 26, 2009, (or reimburses the Client Security Fund, to the extent of any payment from the fund to Hugo Villatoro, in accordance with Business and Professions Code section 6140.5) and furnishes proof to the State Bar's Office of Probation in Los Angeles;

- iii. He must provide proof to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law before his suspension will be terminated. (Rules Proc. of State Bar, tit. IV, Stds. for Atty. Sanctions for Prof. Misconduct, std. 1.4(c)(ii).)

- 2. KIM TRONG NGUYEN is given credit towards the three-year suspension for the period of involuntary inactive enrollment which commenced on June 8, 2012.

KIM TRONG NGUYEN must also comply with California Rules of Court, rule 9.20, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order. Failure to do so may result in disbarment or suspension.

Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

**S204925****ZITNY ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of BARRON RUDOLPH ZITNY, State Bar Number 116399, as a member of the State Bar of California is accepted.

BARRON RUDOLPH ZITNY must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

**S204927****WEHRMEISTER ON****RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of KRIS ELLEN WEHRMEISTER, State Bar Number 181451, as a member of the State Bar of California is accepted.

KRIS ELLEN WEHRMEISTER must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

**S204928****STEINER ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of BETH SEARS STEINER, State Bar Number 62712, as a member of the State Bar of California is accepted.

BETH SEARS STEINER must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

**S204930****SALTER ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of KERREAN LAVON SALTER, State Bar Number 74453, as a member of the State Bar of California is accepted.

KERREAN LAVON SALTER must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

**S204931****McCONNELL ON  
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of DANIEL FRANCIS McCONNELL, State Bar Number 177410, as a member of the State Bar of California is accepted.

DANIEL FRANCIS McCONNELL must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

**S204932****MARTIN ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JENNIFER LEE MARTIN, State Bar Number 161410, as a member of the State Bar of California is accepted.

JENNIFER LEE MARTIN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

**S204933****HASSANEIN ON  
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of KATHRYN MELISSA HASSANEIN, State Bar Number 198181, as a member of the State Bar of California is accepted.

KATHRYN MELISSA HASSANEIN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

**S204934****HALLANGER ON  
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of CAROLYN ANDRES HALLANGER, State Bar Number 138612, as a member of the State Bar of California is accepted.

CAROLYN ANDRES HALLANGER must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

**S204935****BERNSTEIN ON  
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JOAN BODNER BERNSTEIN, State Bar Number 75869, as a member of the State Bar of California is accepted.

JOAN BODNER BERNSTEIN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

**S204936****HOGAN ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of WILLIAM CUSTER HOGAN, State Bar Number 61524, as a member of the State Bar of California is accepted.

WILLIAM CUSTER HOGAN must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

**S204937****HENRY ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of LOUIS J. HENRY, State Bar Number 100913, as a member of the State Bar of California is accepted.

LOUIS J. HENRY must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

**S204938****DIAMOND ON  
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of JOHN DAVID DIAMOND, State Bar Number 154044, as a member of the State Bar of California is accepted.

JOHN DAVID DIAMOND must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

**S204959****DeWITT ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of MAIKEL DEKEN DeWITT, State Bar Number 61120, as a member of the State Bar of California is accepted.

MAIKEL DEKEN DeWITT must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

**S204965****BLUS ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of REGINA MARIE BLUS, State Bar Number 130896, as a member of the State Bar of California is accepted.

REGINA MARIE BLUS must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

**S204973****HATCHER ON  
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of WILLIAM JAMES HATCHER, State Bar Number 76721, as a member of the State Bar of California is accepted.

WILLIAM JAMES HATCHER must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

**S204974****JOVOVICH-KERR ON  
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of SUSAN JOVOVICH-KERR, State Bar Number 61653, as a member of the State Bar of California is accepted.

SUSAN JOVOVICH-KERR must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

**S204976****KIGUCHI ON RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of MARK KIGUCHI, State Bar Number 28707, as a member of the State Bar of California is accepted.

MARK KIGUCHI must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

**S204977****BOSWORTH ON  
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of CAROLYN MITCHELL BOSWORTH, State Bar Number 150997, as a member of the State Bar of California is accepted.

CAROLYN MITCHELL BOSWORTH must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.



**S204983****BUCKLEY ON  
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of LAWRENCE BUCKLEY, State Bar Number 37827, as a member of the State Bar of California is accepted.

LAWRENCE BUCKLEY must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

**S204988****ECHOHAWK ON  
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of LARRY JACK ECHOHAWK, State Bar Number 59320, as a member of the State Bar of California is accepted.

LARRY JACK ECHOHAWK must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

**S204989****HOWRYLA ON  
RESIGNATION**

Voluntary resignation accepted

The court orders that the voluntary resignation of GLORIA M. HOWRYLA, State Bar Number 159365, as a member of the State Bar of California is accepted.

GLORIA M. HOWRYLA must also comply with rule 9.20 of the California Rules of Court and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 calendar days, respectively, after the effective date of this order.

**S204694****TILLMAN (ANDREW) v.  
INLAND VALLEY MEDICAL  
CENTER**

The above-entitled matter is transferred to the Court of Appeal, Fourth Appellate District, Division Two.

